

REGULAR MEETING OF CITY COUNCIL
MAY 19, 2009 **1:30 P.M.**

PRESENT:

Jeff Brain	Mayor
Leon DeWeese	Council Member
Robert Vinyard	Council Member
Charles Gillingham	Council Member
Marvin Dickson	Council Member

STAFF:

Wanda Klause	City Manager
Eddie Edwards	Asst. City Manager
Kathie Harber	Administrative Asst.
	Planning & Zoning
Jimmy Adams	Chief of Police
Danny Richards	EOC Coordinator
Jim Harder	Director of Utilities
Ted Dodd	Director of Public Works
Ralph Earles	Asst. to Director of Public Works
Bob Watson	Fire Chief
Kristi Powell	Clerk, Public Works

VISITORS:

Nellie Villaseñor
Jim West
Helen West
John Curnutt
David Hopson
Dan Redd

Judy Mihm

NEWS MEDIA:

Michelle Berry Borger News Herald

QUESTIONS AND COMMENTS FROM CITIZENS: Citizens who have indicated their desire to speak to the City Council will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter is on the agenda, City Council members are prevented from acting on the subject and may respond only with statements of factual information or existing city policy; however, City Council members may request city staff to place the subject matter on a future agenda. Citizens are limited to three (3) minutes for their presentation to the City Council.

No comments were heard.

MINUTES APPROVED: Following review of the minutes of the regular meeting of May 5, 2009, motion was made by Council Member Gillingham, seconded by Council Member Vinyard,

to approve the minutes as written. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

PAYMENT OF EXPENDITURES APPROVED: Following review, motion was made by Council Member Dickson, seconded by Council Member DeWeese, to approve payment of the expenditures for the first half of May as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

CERTIFICATE OF ELECTION PRESENTED: Mayor Jeff Brain submitted a Certificate of Election to Leon DeWeese for purposes of the May 9, 2009 City Officer's Election.

STATEMENT OF OFFICER ADMINISTERED TO NEWLY ELECTED COUNCIL MEMBER: Kathie Harber, notary public for the City of Borger, administered the Statement of Elected Officer to Leon DeWeese.

MAYOR ELECTED FOR ELECTION YEAR 2009-2010: Ballots were distributed for the election of Mayor for election year 2009-2010. Director of Planning & Zoning Larry Mullenix canvassed the ballots and announced that Jeff Brain had been elected Mayor by a unanimous vote. No further action required.

COUNCIL APPOINTED MEMBER TO ACT IN ABSENCE OF MAYOR: Motion was made by Council Member Gillingham, seconded by Council Member Dickson, to appoint Council Member Leon DeWeese to fulfill the duties of the Mayor in his absence during election year 2009-2010. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

PUBLIC HEARING CONDUCTED - PLAT APPROVED: Mayor Jeff Brain opened a public hearing on the re-plat of property known as the Villasenor Building Site containing 0.274 acres, located in Block Y, M & C Survey, Hutchinson County, Texas, and asked if anyone wished to address the Council concerning this re-plat. No comments were heard; therefore, Mayor Brain closed the public hearing. Motion was made by Council Member Vinyard, seconded by Council Member DeWeese, to approve the re-plat as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

EXTENSION GRANTED PRIOR TO DEMOLITION: The City Council, in regular meeting of April 7, 2009, approved a 30 day extension for Jose Perez on property located at 401 N. Florida. The Building Standards Commission previously recommended demolition of this structure; however, Mr. Perez appeared before the Council and was granted a 30 day extension.

Improvements have been made to the property; however, the Director of Planning and Zoning told the Council that the property was still out of compliance with the Property Maintenance Code.

Following discussion, motion was made by Council Member DeWeese to deny the request and order demolition of the property.

Council Member Dickson suggested granting Mr. Perez an additional 30 days.

Council Member DeWeese withdrew his motion. Motion was made by Council Member Dickson, seconded by Council Member DeWeese, to grant Mr. Perez a final 30-day extension. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

ORDINANCE NO. O-003-09 APPROVED: Assistant City Manager Eddie Edwards submitted Ordinance No. O-003-09 repealing Article 1.06, Parks and Recreation, Sections 1.06.001 through 1.06.120 of the City of Borger Code of Ordinances for final consideration of the Council. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to approve on final reading Ordinance No. O-003-09 repealing Article 1.06, Parks and Recreation, Sections 1.06.001 through 1.06.120 of the City of Borger Code of Ordinances. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The captioned ordinance reads as follows:

AN ORDINANCE REPEALING ARTICLE 1.06, PARKS AND RECREATION
OF THE CITY OF BORGER CODE OF ORDINANCES, AND RESERVING
SAID ARTICLE 1.06, PARKS AND RECREATION FOR FUTURE USE

ORDINANCE NO. R-004-09 INTRODUCED AMENDING THE 2008-2009 BUDGET:

Assistant City Manager Eddie Edwards submitted for the consideration of the Council Ordinance No. R-004-09 amending the City's budget for fiscal year 2008-2009, as adopted by Ordinance No. O-009-08, providing for supplemental appropriations and transfer of certain funds. The proposed ordinance calls for an increase in the current operating budget of \$459,440. Edwards outlined the use of the requested funds and asked the Council to introduce an ordinance to implement this change. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Vinyard, to introduce Ordinance No. R-004-09 amending the City of Borger FY 2008-2009 Operating Budget as requested. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

CONTRACT AMENDMENT TO SOLID WASTE AGREEMENT BETWEEN CITY OF BORGER AND CITY OF PAMPA APPROVED:

Assistant City Manager Eddie Edwards submitted a contract amendment to a solid waste disposal agreement between the City of Borger and the City of Pampa and asked for the Council's favorable consideration. The City is currently paying Pampa \$33.00 per ton for the disposal of solid waste; however, we do not have an exclusive contract with Pampa, thus, we have been hauling much of the city's waste to Amarillo at a cost of \$25.00 ton. A complete study was done based on the cost per ton of hauling to Amarillo versus Pampa, mileage incurred, maintenance and labor included, and based on these findings, plus Pampa's lowering the cost of disposal to \$30.00 per ton, staff requested the approval of a contract amendment to the solid waste disposal agreement between the City of Borger and City of Pampa at a cost of \$30.00 per ton through September 30, 2010. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to approve the contract amendment between the City of Borger and the City of Pampa as written. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

RECOMMENDATION FROM BORGER ECONOMIC DEVELOPMENT

CORPORATION APPROVED: Dan Redd, Chief Executive Officer of the BEDC, submitted a request from Morgan Metal Finishing asking for a loan of \$250,000 to put the company in a better position for expansion. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Vinyard, to approve the loan to Morgan Metal Finishing. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

BID AWARDED FOR 2009 SEAL COAT PROGRAM: Parkhill, Smith & Cooper, Inc., Amarillo, submitted an invitation to area paving contractors to bid on a group seal coat 2009 member cities project. The following bids were received and tabulated.

G.W. James, Pampa, TX	63,019 SY	\$1.55	\$ 97,679.45
Lewis Construction Co.	63,019 SY	\$1.79	\$ 129,398.78

Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to award bid to the low bidder, G.W. James, Pampa, TX, for 63,019 square yards of paving materials @ \$1.55 per square yard for a total cost of \$97,479.45. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

COOPERATIVE AGREEMENT BETWEEN THE CITY OF BORGER AND THE NATIONAL FIRE SERVICE APPROVED, AND COUNCIL'S ACCEPTANCE OF THE DEPARTMENT OF HOMELAND SECURITY'S SAFER GRANT: Fire Chief Bob

Watson submitted detailed information concerning a Cooperative Agreement between the City of Borger Fire Department and the National Park Service as it pertains to wild land firefighting services for the Department of the Interior and requested the Council's favorable consideration. Chief Watson also asked the Council to accept the Department of Homeland Security's SAFER Grant in the amount of \$553,000. A lengthy discussion ensued during which time the Council considered the pro's and con's of such an agreement and the risks associated with the SAFER Grant. Following further discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to approve the Cooperative Agreement between the City of Borger Fire Department and the National Fire Service, and accept the SAFER Grant from the Department of Homeland Security. The motion carried by the following vote:

Ayes: Leon DeWeese, Charles Gillingham and Marvin Dickson
Nays: Robert Vinyard

MEETING ADJOURNED: There being no further business, motion was made by Council Member Dickson seconded by Council Member Gillingham, to adjourn the meeting. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

Mayor

ATTEST:

City Manager